

**ASSEMBLY BILL**

**No. 411**

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**Introduced by Assembly Member Emmerson**  
**(Principal coauthor: Assembly Member Garcia)**  
(Coauthor: Senator Dutton)

February 16, 2007

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An act to amend Section 1520.5 of the Health and Safety Code, relating to residential facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 411, as introduced, Emmerson. Residential care facilities: overconcentration.

Existing law, the California Residential Care Facilities for the Elderly Act, provides for the licensure and regulation of residential care facilities for the elderly by the State Department of Social Services.

Existing law permits a city and county to request denial of a residential care facility license on the basis of overconcentration of residential care facilities.

This bill would permit a city or county to submit to the Director of Social Services additional documentation and evidence regarding the siting of a proposed residential care facility designed for 6 or fewer residents.

The bill would authorize the director, after review of the information submitted by a city or county, to suggest that the applicant consider alternative siting locations.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 1520.5 of the Health and Safety Code is amended to read:

1520.5. (a) The Legislature hereby declares it to be the policy of the state to prevent ~~overconcentrations~~ *overconcentration* of residential care facilities that impair the integrity of residential neighborhoods. Therefore, the director shall deny an application for a new residential care facility license if the director determines that the location is in a proximity to an existing residential care facility that would result in overconcentration.

(b) As used in this section, “overconcentration” means that if a new license is issued, there will be residential care facilities ~~that~~ *which* are separated by a distance of 300 feet or less, as measured from any point upon the outside walls of the structures housing those facilities. Based on special local needs and conditions, the director may approve a separation distance of less than 300 feet with the approval of the city or county in which the proposed facility will be located.

(c) At least 45 days prior to approving any application for a new residential care facility, the director, or county licensing agency, shall notify, in writing, the ~~city or county planning agency of authority in which the city, if the facility is to be located in the city, or the planning agency of the county, if the facility is to be located in an unincorporated area will be located,~~ of the proposed location of the facility.

(d) (1) Any city or county may request denial of the license applied for on the basis of overconcentration of residential care facilities.

(2) *A city or county may submit to the director additional documentation and evidence regarding the siting of a proposed facility designed for six or fewer residents. The documentation may include, but is not limited to, a listing of other state-licensed residential facilities, unlicensed residential facilities, or other land uses located in the immediate vicinity of the proposed site.*

(3) *The director shall review and consider any information submitted by the city or county pursuant to paragraph (2). The director shall make available to the applicant any information submitted by a city or county pursuant to paragraph (2) so that the applicant may respond to the concerns raised.*

1     (4) *After review of the information submitted by a city or county,*  
2 *the director may suggest that the applicant consider alternative*  
3 *siting locations. Nothing in this subdivision shall be interpreted*  
4 *to alter the rules and regulations governing the standards applied*  
5 *in approving or denying a license.*

6     (5) *This subdivision shall not be interpreted to authorize or*  
7 *require the director to take an action that would violate the federal*  
8 *Fair Housing Amendments Act of 1988 (42 U.S.C. Sec. 3601 et.*  
9 *seq.).*

10    (e) Nothing in this section authorizes the director, on the basis  
11 of overconcentration, to refuse to grant a license upon a change  
12 of ownership of an existing residential care facility where there is  
13 no change in the location of the facility.

14    (f) Foster family homes and residential care facilities for the  
15 elderly shall not be considered in determining overconcentration  
16 of residential care facilities, and license applications for those  
17 facilities shall not be denied upon the basis of overconcentration.

18    (g) Any transitional shelter care facility, as defined in paragraph  
19 (11) of subdivision (a) of Section 1502, shall not be considered in  
20 determining overconcentration of residential care facilities, and  
21 license applications for those facilities shall not be denied upon  
22 the basis of overconcentration.